

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID F. KELLEY BEY,

Plaintiff,

v.

WARDEN DANIEL S. KEEN, et al.,

Defendants

No. 3:13-CV-1942

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SCHWAB)

ORDER

NOW this 17th day of July 2014, upon review of Magistrate Judge Schwab's Report and Recommendation (Doc. 33) for plain error or manifest injustice, **IT IS HEREBY**

ORDERED that:

- (1) The Report and Recommendation (Doc. 33) is **ADOPTED**.
- (2) Defendants' Motion to Dismiss and/or Motion for Summary Judgment (Doc. 22) is **GRANTED**, and Plaintiff's Complaint (Doc. 1) is **DISMISSED**.
- (3) The Clerk of Court is ordered to mark this matter as **CLOSED**.



A. Richard Caputo
United States District Judge